

## EXHIBIT “F”

# MATSUI CHUNG

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## *Facsimile Header*

DATE: May 26, 2005

### FAX NO.

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ASK FOR: *Terri*

RE: Wayne Berry v. Hawaiian Express Service, et al.  
Civil No. CV03-00385 SOM-LEK

ATTACHMENT(S): 1) Order Re: Disclosure of Y. Hata Documents to Brad Dechter and Martin Walker; and 2) Order Granting Fleming Companies, Inc.'s Post-Confirmation Trust's Request Re: Production of Guidance Software Materials.

Of Counsel:

MATSUI CHUNG SUMIDA & TSUCHIYAMA  
A Law Corporation

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

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MAY 26 2005  
2 04 PM  
at 0 o'clock and 0 min. M.  
WALTER A.Y.H. CHINN, CLERK

DISCOVERY MASTER

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen; ) CIVIL NO. CV03-00385 SOM LEK  
Plaintiff, ) (Copyright)  
vs. )  
HAWAIIAN EXPRESS SERVICE, ) ORDER RE: DISCLOSURE OF Y.  
INC., a California corporation; H.E.S. ) HATA DOCUMENTS TO BRAD  
TRANSPORTATION SERVICES, INC., ) DECHTER AND MARTIN WALKER  
a California corporation; CALIFORNIA )  
PACIFIC CONSOLIDATORS, INC., a )  
California corporation; JEFFREY P. ) (Non Hearing Motion)  
GRAHAM and PETER SCHAUL, )  
California citizens; MARK DILLON and )  
TERESA NOA, BRIAN )  
CHRISTENSEN, Hawaii citizens; )  
FLEMING COMPANIES, INC., an )  
Oklahoma corporation; C&S )  
LOGISTICS OF HAWAII, LLC, a )  
Delaware LLC; C&S WHOLESALE )

GROCERS, INC., a Vermont )  
corporation; C&S ACQUISITIONS, )  
LLC; FOODLAND SUPER MARKET, )  
LIMITED, a Hawaii corporation; )  
HAWAII TRANSFER COMPANY, )  
LIMITED, a Hawaii corporation; )  
RICHARD COHEN, a New Hampshire )  
citizen, ES3, LLC, Delaware Limited )  
Liability Company, MELVIN PONCE, )  
SONIA PURDY, JUSTIN FUKUMOTO,)  
AFREDDA WAIOLAMA, )  
JACQUELINE RIO, Hawaii citizens; )  
JESSIE GONZALES, )  
(CAPTION CONTINUED) )  
LUIZ RODRIGUES, AL PEREZ, )  
PATRICK HIRAYAMA, California )  
citizens; GUIDANCE SOFTWARE, )  
LLC, a California LLC; MICHAEL )  
GURZI, a California citizen; ALIX )  
PARTNERS, LLC a Delaware LLC; )  
DOE INDIVIDUALS 2-350; DOE )  
PARTNERSHIPS, CORPORATIONS )  
and OTHER DOE ENTITIES 2-20, )  
Defendants. )

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**ORDER RE: DISCLOSURE OF Y. HATA  
DOCUMENTS TO BRAD DECHTER AND MARTIN WALKER**

Defendant FLEMING COMPANIES, INC.'s Post Confirmation Trust ("the PCT"), submitted a letter dated May 19, 2005, requesting the Special Discovery Master's intervention regarding the disclosure of certain documents produced by Y. Hata as "Highly-Confidential – Attorney's Eyes Only", to two of their experts, Brad Dechter and Martin Walker; and

The PCT also requested sanctions against Plaintiff for baseless obstructions; and

Plaintiff WAYNE BERRY, filed a letter in response to Plaintiff's Motion, dated May 23, 2005, which stated that Plaintiff was "not seeking to prevent the turn over of those documents" to Mr. Walker, but objected to the disclosure of those certain documents to Mr. Dechter; and

The PCT, submitted a further letter dated May 24, 2005; and

No other party submitted a position regarding this issue, and no party requested a hearing on this issue; and

Having reviewed the memoranda presented; now, therefore, good cause appearing,

It is hereby ORDERED, ADJUDGED AND DECREED that:

1. No later than noon, Hawai'i Standard Time, on May 27, 2005, the PCT shall deliver to Plaintiff's counsel, via facsimile or e-mail, a copy of Mr. Dechter and Mr. Walker's executed Agreement to be Bound by Protective Order, with mailed copies to be provided to Plaintiff's counsel by U.S. Mail, postmarked no later than May 27, 2005.

2. The PCT shall be permitted to disclose those Y. Hata documents identified as "Highly Confidential – Attorneys' Eyes Only" to Mr. Walker and Mr. Dechter, upon the PCT's fax or e-mail of the executed Agreement

to be Bound by Protective Order by Mr. Dechter and Mr. Walker, to Plaintiff's counsel.

3. The PCT's request for sanctions shall be reserved for later determination.

DATED: HONOLULU, HAWAII, May 26, 2005

  
CLYDE Wm. MATSUI  
Discovery Master

Of Counsel:  
MATSUI CHUNG SUMIDA & TSUCHIYAMA  
A Law Corporation

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

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WALTER A.Y.A. CHINN, CLERK

DISCOVERY MASTER

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen; ) CIVIL NO. CV03-00385 SOM LEK  
Plaintiff, ) (Copyright)  
vs. )  
HAWAIIAN EXPRESS SERVICE, ) ORDER GRANTING FLEMING  
INC., a California corporation; H.E.S. ) COMPANIES, INC.'S POST-  
TRANSPORTATION SERVICES, INC., ) CONFIRMATION TRUST'S  
a California corporation; CALIFORNIA ) REQUEST RE: PRODUCTION OF  
PACIFIC CONSOLIDATORS, INC., a ) GUIDANCE SOFTWARE  
California corporation; JEFFREY P. ) MATERIALS  
GRAHAM and PETER SCHAUL, )  
California citizens; MARK DILLON and )  
TERESA NOA, BRIAN )  
CHRISTENSEN, Hawaii citizens; )  
FLEMING COMPANIES, INC., an )  
Oklahoma corporation; C&S )  
LOGISTICS OF HAWAII, LLC, a )  
Delaware LLC; C&S WHOLESALE )  
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corporation; C&S ACQUISITIONS, )

LLC; FOODLAND SUPER MARKET, )  
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SONIA PURDY, JUSTIN FUKUMOTO,)  
AFREDDA WAIOLAMA, )  
JACQUELINE RIO, Hawaii citizens; )  
JESSIE GONZALES, )  
(CAPTION CONTINUED) )  
LUIZ RODRIGUES, AL PEREZ, )  
PATRICK HIRAYAMA, California )  
citizens; GUIDANCE SOFTWARE, )  
LLC, a California LLC; MICHAEL )  
GURZI, a California citizen; ALIX )  
PARTNERS, LLC a Delaware LLC; )  
DOE INDIVIDUALS 2-350; DOE )  
PARTNERSHIPS, CORPORATIONS )  
and OTHER DOE ENTITIES 2-20, )  
 )  
Defendants. )\\  
)

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#### ORDER GRANTING

#### FLEMING COMPANIES, INC.'S POST-CONFIRMATION TRUST'S REQUEST RE: PRODUCTION OF GUIDANCE SOFTWARE MATERIALS

Defendant FLEMING COMPANIES, INC.'s Post Confirmation Trust, submitted a request for the production of Defendant Guidance Software's forensic images, as "Highly-Confidential - Attorney's Eyes Only", dated May 3, 2005; and

Plaintiff WAYNE BERRY, submitted a Declaration of Wayne Berry dated May 3, 2005, and a letter dated May 3, 2005, requesting that the forensic images be produced, albeit without condition; and

No other party submitted a position regarding this issue; and

Having reviewed the memoranda presented; now, therefore, good cause appearing,

It is hereby ORDERED, ADJUDGED AND DECREED that:

1. Plaintiff provide, forthwith, electronic versions of:

(a) the list of approximately 23,000 files identified above, to Guidance Software and the Special Master, to assist in the extraction of those files identified; and

(b) a list of all files Plaintiff claims comprises or are related to the version of the Berry database that Fleming used between March 7, 2003 and June 9, 2003.

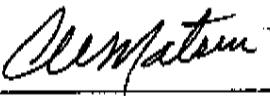
2. Upon receipt of the electronic file(s) noted above, from Plaintiff, Guidance Software is ordered to produce the identified files.

3. Said production shall be identified, and considered, as "Highly Confidential-Attorneys' Eyes Only", and subject to the Protective Order issued on April 12, 2005.

4. Duplication of the subject files shall be performed by persons who are not directly involved in the subject litigation.

5. The person(s) performing the duplication of the subject files shall agree to be bound by the Protective Order, as provided therein.

DATED: HONOLULU, HAWAII, MAY 26, 2005.



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CLYDE Wm. MATSUI  
Discovery Master